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July 27, 2016

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VIA ECF

The Honorable Richard J. Sullivan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

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DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/27/16

*Re: Murphy et al. v. LaJaunie et al.
Case Number: 13 CV 6503 (RJS)*

Dear Judge Sullivan:

We represent the Defendants in the above referenced matter. We write in advance of the August 2, 2016 conference to seek an adjournment of same, and to seek an extension of the current deadline for the filing of the Joint Pretrial Order ("JPTO") and associated pre-trial filings.

Mr. Lajaunie is aware that the Court has ordered him to attend the August 2, 2016 conference. He has advised us that he will be on the West Coast, travelling on business until August 7, 2016. Mr. Lajaunie will be returning to New York on August 8, 2016 and he has informed us that he is available to attend a hearing on any date during the week of August 8th. Accordingly, we respectfully request that the Court adjourn the August 2, 2016 hearing to permit Mr. Lajaunie's attendance. Class counsel advised us that they do not consent to our request for an adjournment.

Separately, we write to address the current deadline for the filing of the Parties' pre-trial submissions.

On April 14, 2016, the Court set a deadline on August 1, 2016 for the filing of the JPTO and the parties' associated pre-trial filings. Although the parties have been focused on the present dispute over class discovery, the deadline for pre-trial submissions has not gone unnoticed. However, due to the present situation, we fear that we will be unable to obtain the cooperation from Defendants that is necessary for the preparation of Defendants' pre-trial filings.

Before making this application, we approached Class Counsel to obtain their consent for an extension of the August 1, 2016 deadlines. Although Class Counsel has taken the position that Plaintiffs will be unable to meet the August 1, 2016 deadlines due to Defendants' alleged failure to produce discovery, they will not consent to this application.

MEMO ENDORSED

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As the Court has scheduled a hearing to discuss the present discovery dispute, Defendants respectfully submit that the pre-trial deadlines should be extended so they can be further discussed at the upcoming hearing.

Separately, we understand that the Court wishes to discuss the disputed issues of fact regarding Defendants' compliance with this Court's Orders. To the extent that the Court wishes to explore the substance of the dispute between Defendants and our office, we respectfully submit that those portions of the hearing should be conducted *in camera* outside of the presence of class counsel.

Thank you for your consideration of the foregoing.

Respectfully submitted,
Kaufman Dolowich & Voluck, LLP


Jeffery A. Meyer, Esq.

CC: All Counsel, Via ECF

4852-0427-1157, v. 1

IT IS HEREBY ORDERED that LaJaunie is granted leave to participate telephonically in the conference, which will take place on August 2, 2016 at 5:00 p.m.. LaJaunie shall call 212.805.0137 on that date at 5:00 p.m. Eastern Time. Should Defendants wish to conduct portions of the August 2 hearing *in camera*, they shall make their request at the hearing itself.

IT IS FURTHER ORDERED that the parties' deadline to submit the joint pretrial order and associated submissions is adjourned *sine die*.

SO ORDERED
Dated:

RICHARD J. SULLIVAN
U.S.D.J.

7/27/16